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Attorney Docket # 3397-111PRCE

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Rauno RANTANEN

Serial No.: 10/019,120

Filed: January 30, 2002

For: Method and Apparatus for Spreading Treating Agent on a Moving Web

Examiner: Turocy, David P.
Group Art: 1762

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Alfred W. Froebrich
Name of applicant, assignee or Registered Representative

Signature

November 12, 2007
Date of Signature

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APPELLANT'S REPLY BRIEF

SIR:

This is appellant's reply brief in response to the Examiner's Answer mailed September 11, 2007 in accordance with 37 C.F.R. §41.41.

The Examiner's Answer makes new points of argument within section (10) Response to Argument, starting on page 17 of the Examiner's Answer.

The numbers used in the following remarks correspond to the number of the rejections listed by the Examiner in his section (10) Response to Argument.

REMARKS

1

Regarding claim 20, the Examiner alleges that the teaching in Ruggiero of ejecting droplets teaches the step of "forming continuous jets of the treating agent", because the Examiner states that a broad and reasonable interpretation of "continuous jet" includes a jet for a finite period of time, i.e., a droplet. However, even when more than one droplet is to be ejected from the device of Ruggiero, Ruggiero ejects the droplets one at a time. A series of droplets can not be considered to disclose "forming continuous jets" because a series of droplets is not a continuous jet.

Regarding claim 57, the Examiner states that openings of Ruggiero are capable of forming continuous jets. However, even when the transducer is energized, Ruggiero teaches only that droplets ejected from the orifice and not continuous streams. Accordingly, the holes in Ruggiero are not sized to produce or allow continuous jets to be formed.

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Regarding claim 83, the Examiner states that whether a user or a control system moves the nozzle plate is moot. However, claim 83 requires "an actuator operatively connected to said at least one nozzle plate for moving said at least one nozzle plate relative to said at least one feeding chamber". Although the shower head of Briggs is movable, there is no actuator operatively connected to the shower head for moving the shower head relative to the pipe leading to the shower head. Rather, the only movement of the shower head is by a user. Since the user can not be considered to be operatively connected to the shower head, Briggs fails to teach or

suggest "an actuator operatively connected to said at least one nozzle plate for moving said at least one nozzle plate relative to said at least one feeding chamber".

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The Examiner states that it is unclear what "continuous jet" means and states that the broadest reasonable interpretation may be used. The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). Furthermore, when there is no specific meaning for a term, the broadest reasonable interpretation is based on the plain meaning unless the plain meaning is inconsistent with the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

The Examiner believes that the plain meaning of the term "continuous jet" includes atomized fluid. Even if the term "jet" is considered to include atomized fluid (which appellant does not believe to be true), an atomized fluid can not be considered to be a "continuous jet", as expressly required by the claim.

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Regarding claims 78 and 83, the Examiner states that it would have been obvious to modify Ruggiero to include a fluid reservoir to store the fluid distant from the nozzle. However, that is not true because Ruggiero relates to printing only a selected portion of a web or sheet to print a barcode and therefore only requires a small amount of the fluid to be used. In contrast Haaland relates to coating a thin film on a substrate and therefore requires much more of the fluid. Therefore it makes sense to keep a larger amount of fluid remote from the applicator in Haaland. Conversely, it makes sense to use a smaller chamber that moves with the applicator in

Ruggiero because moving the fluid to the application head is much easier when the chamber moves with the applicator. Since these two references are designed for much different purposes -- selective application of ink versus coating a thin film on a substrate --, it would not be obvious to use the fluid reservoir of Haaland in the device of Ruggiero.

CONCLUSION

For the foregoing reasons, and for all the reasons listed in Appellant's Brief on Appeal, it is respectfully submitted that appellants' claims are not rendered obvious by and are, therefore, patentable over the art of record, and the Examiner's rejections should be reversed.

Respectfully submitted,
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By _____

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